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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,328	09/26/2005	Philippe Martin	05-449	8920
34704 7590 06/26/2008 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			EXAMINER DUONG, DIEU HIEN	
			ART UNIT 2821	PAPER NUMBER
			MAIL DATE 06/26/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,328

Applicant(s)

MARTIN, PHILIPPE

Examiner

DIEU HIEN T. DUONG

Art Unit

2821

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-23 and 32-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-23 and 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/13/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 17-23 and 32-33 in the reply filed on 05/09/2008 is acknowledged. Group II, claims 24-31 are canceled. Claims 34-38 are newly added. Thus, claims 17-23 and 32-38 are currently in the instant application.

Priority

2. Acknowledgement is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 07/13/2005 in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is considered by the examiner.

If applicant is aware of any prior art or any other co-pending application not already of record, he/she is reminded of his/her duty under 37 CFR 1.97 to disclose the same.

Drawings

4. The drawing submitted on 07/13/2005 is accepted as part of the formal application.

Specification

5. The disclosure is objected to because of the following informalities:

In page 1 of specification, after the title, the paragraph - -This application is a 371of PCT/FR04/00097 filed on 01/16/2004 - - should be inserted.

Appropriate correction is required.

Claim Objections

6. Claims 1 and 35-36 are objected to because of the following informalities:

In claim 1, line 2, "the" should be changed to - -a- -;

In claims 35-36, lines 2, "articles" should be changed to - -said articles- - since "articles" is defined in claim 17, lines 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 38, the recitation "wherein said antenna is tuned with an impedance of 50 OMEGA (Ohms) and with zero phase shift to the frequency of 13.56 MHz" in lines 1-3 is unclear. It is not clear how the antenna is tuned from an impedance of 50 ohms and zero phase shift to the frequency of 13.56 MHz. What is the frequency of the antenna with impedance of 50 ohms and zero phase shift?

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 17-23 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (US 6,421,013 B1).

Regarding claim 17, Chung discloses, in Figures 4-6, a detector of articles comprising a contactless label of a RFID type, said detector comprising

at least one antenna (30) formed of N loops and M turns, M and N being integers greater than or equal to 1, wherein at least one of the turns consists of at least two complementary segments (36a, 36b), the two complementary segments (36a, 36b) not being coplanar, and being arranged so that an addition of one (36b) of said complementary segments (36a, 36b) starting from an end thereof to another of said complementary segments (36a, 36b) constitutes a turn, and each segment (36a, 36b) is present on one of two different substrate layers (58, 20, 56).

Regarding claim 18, as applied to claim 17, Chung discloses, Figures 4-6, wherein at least one of the turns of the antenna (30) is constituted by at least two segments (36a, 36b) extending in different planes (30, 32).

Regarding claim 19, as applied to claim 18, Chung discloses, in Figures 4-6, wherein the planes in which the at least two segments extend are parallel with each other.

Regarding claim 20, as applied to claim 18, Chung discloses, in Figures 4-6, wherein the ends, of each of two consecutive segments (36a, 36b) are connected to each other by a bridge (50).

Regarding claim 21, as applied to claim 20, Chung discloses, in Figures 4-6, wherein the connection (50) between the ends of the segments (36a, 36b) is such that the antenna exhibits N loops with one turn.

Regarding claim 22, as applied to claim 20, Chung discloses, in Figures 4-6, wherein the connection (50) between the ends of the segments (36a, 36b) is such that the antenna exhibits one loop with N turns.

Regarding claim 23, as applied to claim 20, Chung discloses, in Figures 4-6, wherein the bridge (50) extends perpendicular to the planes of the segments (36a, 36b) of turn.

Regarding claims 32-33, the structure in Figures 4-6 of Chung discloses would enable the steps of a method of manufacture of a detector as claimed in claim 17, comprising the following steps producing at least one electrical conductor segment (36a, 36b) on a plurality of substrates respectively, and assembling multiple layers of said substrates (56, 20, 58); wherein further comprising a step of producing a connection (50) between different segments (36a, 36b) of each of the substrates (56, 20, 58).

Regarding claim 34, as applied to claim 17, Chung discloses, in Figures 4-6, wherein said antenna is contained in a substantially parallelepiped card.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 6,421,013 B1) in view of Goff et al. (US 6,600,420 B2), hereinafter "Goff".

Regarding claim 35, Chung discloses every feature of claimed invention as expressly recited in claim 17, except for articles being disposed substantially parallel with respect to each other.

Goff discloses in Figure 10, articles being disposed substantially parallel with respect to each other.

It would have been obvious to one having ordinary skill in the art the time the invention was made to include the arrangement of the articles of Goff in the detector of wireless article of Chung to achieve the claimed invention in order to deter theft or other unauthorized removal of articles (see col. 1, lines 21-26).

Regarding claims 36-37, as applied to claim 17, Chung/Goff (Goff, Figure 10), the articles disposed closed to each other.

Chung/Goff do not disclose a distance of less than 15mm.

However, such difference is not of patentable merits since it would have been obvious to one having ordinary skill in the art the time the invention was made to determine the distance between articles to provide security for the articles. Therefore, to

employ having the distance less than 15mm would have been obvious to person skill in the art.

13. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 6,421,013 B1).

Regarding claim 38, as best understood, Chung discloses every feature of claimed invention as expressly recited in claim 17, except for said antenna operating with the frequency of 13.56 MHz.

However, such difference is not of patentable merits since it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine the size of the antenna to obtain a specific frequency band for the antenna operating. Therefore, to employ having the antenna operating with the frequency of 13.56 MHz would have been deemed obvious to person skill in the art of antenna.

Inquiry

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEU HIEN T. DUONG whose telephone number is (571)272-8980. The examiner can normally be reached on Monday - Friday, from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on 571-272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2821

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/19/2008

DD

AU 2821

/Douglas W Owens/

Supervisory Patent Examiner, Art Unit 2821

June 21, 2008